that Shri Prahlad Singh Patel, Member of the Lok Sabba. be arrested for apprehension of breach of peace.

Shri Prahlad Singh Patel. M.P. . was accordingly arrested at 1030 hours on 22 July, 1996 and has been sent to Central Jail. Jabalpur by the Executive Megistrate. Gotegaon."

16.05 hrs.

STATUTORY RESOLUTION RE: DISAPPROVAL OF THE BUILDING AND OTHER CONSTRUCTION WORKERS THIRD ORDINANCE. 1996

BUILDING AND OTHER CONSTRUCTION WORKERS BILL

STATUTORY RESOLUTION RE : BUILDING AND OTHER CONSTRUCTION WORKERS WELFARE CESS THIRD ORDINANCE. 1996

AND

BUILDING AND OTHER CONSTRUCTION WORKERS' WELFARE CESS BILL - CONT.

SHRI ISHWAR PRASANNA HAZARIKA (Tegpur) Mr. Chairman. Sir. I rise in this august House to support the the Bills. aimed at protecting and promoting the interests and welfare of the tolling million engaged in the construction industry of our country.

16.05 hrs.

(Prof. Rita Verma *in the Chair*)

This is one of the most vital sectors of our economy. As it has already been said in this House. in terms of employment. this sector stands next only to agriculture. providing as it does. jobs to over a crore of people. or as another hon. Member has mentioned. probably about two to three crores of people. But what is more mind-boggling in this particular area is the capital outlay that is envisaged for this sector in our Plans. outside the Plans and also in private sector. I feel that the total amount of capital expenditure defrayed for construction work in our country would annually gross up to something very close to half-a-lakh crores of rupees. This is a very very high figure and it assumes very great significance in the context of the current Bill. Even if 50 per cent of this amount can be covered within the net of the Cess Bill. the annual collection at one per cent. would be of the order of Rs.250 crore to Rs.300 crore. I am sure that this would go a long way in mitigating the hardships of the long suffering teaming millions engaged in this industry.

This industry has its own peculiarities. First comes the non-perennial nature of the projects. Secondly, it is the migrant character of the labour and also of the employers. Then, it is the non-recognition of the sector as a commodity to be supplied by the contractors. These are the peculiarities of their sector because of which this sector has remained unregulated and unorganised. even our national trade union centres have touched only the fringe of the sector and they are signified largely to the urban areas and the real estate and building business. It is for this reasons that I am happy that the two Ministers in the previous Congress Government made bold to promulgate the two ordinances me that we have. on our Statute Book. for the first time. a law to provide for welfare benefit and protection to the unorganised the construction sector.

These Bills are to replace the corresponding Presidential Ordinances promulgated during the earlier regime making this scheme effective from the 1st of March 1996. It has to be appreciated that the present Government did not have adequate time to fine-tune the Bill or to expand the scope of or to do any serious work on the bills and because of Constitutional compulsion under Article 123. this Bill had to come to this House and within six weeks from the commencement of the Session. the new Bill had to be passed. It is because of this compulsion that this Government. I am sure. in spite of the best of intentions was unable to improve on the provisions of the Bill. But I do not see any reasons that these two Bills should be allowed to lapse.

The construction workers have waited for long three decades for a Bill of this nature to come up. In 1965. the Government of India constituted the Industrial Committee and entrusted to it the responsibility of formulating a comprehensive legislation covering the problems of the construction workers. After this long wait of three decades this Act at least. has come on the Statute Book. Therefore. I feel that instead of throwing them out. we should some how pass both the Bills with all the deficiencies and infirmities notwithstanding.

Legislation of this kind takes time for perfection. What is important for us is to appreciate that certain positive steps have been taken to ameliorate the deplorable conditions in which the construction workers are living. Therefore. we should appreciate the steps and let these Bills be passed and brought into the Statute Book. No purpose will be at this juncture by our indulging in intellectual gymnastics or talking a self-righteous - holier than the pope - attitude in our championship of the cause of the large number of toiling construction workers.

It is true that the scheme for the welfare of the workers as structured under the Bill is replete with infirmities. flaws. deficiencies lacunae and omissions. It is true that it will be difficult to implement the Bill as it stages today. I apprehend that this Bill may become on more labour legislation on paper adorning only the pages of the statute book. But still because it has come.

I think, we should appreciate the gesture and pass it, but only with certain essential amendments. I would, therefore, urge on the Government that even during the permissible time some of the amendments, that have been suggested by hon. Members, should be given serious consideration. Those amendments should be incorporated in the Bills, if possible. Otherwise.. The Government should give a solemn commitment on the floor of the House that, as soon as possible, but within not more than three months, they will bring in comprehensive legislation incorporating as many suggestions as possible given by the National Campaign Committee and other bodies concerned with the construction workers.

The difficulty in implementing the Bill lies first in the case of the Cess Bill. The Cess Bill makes the cost of construction the basis of the levy. Now it has not been defined how and on what basis the construction cost would be determined. Unless it is unambiguously defined and amplified in the law, this going to lead to a plethora of litigation and the authorities would get bogged down in fighting cases rather than implementing the welfare scheme for workers.

Then again what is going to be this the basis for allocation of funds. If money is collected by the State, there is no mention as to which will be the authority, or about the agency in the State Government. Would it be the sales tax department of commercial taxes department? What would be the periodicity of the payment of cess? All these things have not been mentioned.

Therefore, at the end, I would like to say that we are supporting the Bills because we would not like to snatch half a loaf from the mouths of the hungry toiling workers because in 50 years, we have failed to give them any loaf at all. Therefore, let us pass the bills on the pragmatic view that half a loaf is better than no loaf and try to bring about as much improvement as is possible by amendments in the Bills in the shortest possible time.

MR. CHAIRMAN : The total time allotted for this discussion was two hours. More than one hour is already finished. I will request the Members...

(Interruptions)

SHRI GEORGE FERNANDES (Nalanda) : Kindly extend the time...*(Interruptions)*

MR. CHAIRMAN : Shri M.A. Fatmi may kindly speak now.

[Translation]

SHRI MOHAMMAD ALI ASHRAF FATMI (Darbhanga): I am grateful for the opportunity given to me to speak.

I support the twin Bills introduced by the Government. One of the Bills seeks to buy cess equivalent to one percent of the cost of construction and the other Bill seeks to regulate measures for the welfare of workers. A glance at the history would reveal that all the noteable movements of the world e.g. China Wall, Pyramids were built by unorganised workers. All those countries have enacted legislation for the welfare of unorganised workers but in our country, with a democratic sep up, no such legislation had been enacted. I, therefore, support the twin Bills brought by the Government.

A visit to any construction site in India would evoke pity at the plight of the workers. Whether it is a building or road being built, it would be observed that neither any shelter nor any medical facilities have been arranged for the workers. In case of any mishap, no first aid is provided to them. In this Bill it has been provided that shelters would be built for the workers at the construction site.

Mr. Chairman, Sir, in all in metropolitan cities like Mumbai, Calcutta, Madras or Delhi, the construction workers either sleep on the pavement or live in jhuggi jhoupries. The present Bill provided for shelter, driving water and health facilities at the construction site. The Bill also provides for payment of compensation. It is all very commendable however so far as constitution of the Board, its being applicable to those companies which employ more them 50 workers and that the minimum duration of the project should be 12 months and both the employer and the beneficiary will contribute towards the fund is concerned. I do not agree with the limits of 50 workers and 12 months imposed by the Bill the result of this limit would be that the big constructor would sub-divide the contract into small contracts and in this way the spirit of the Bill would be defeated. Besides, how you propose to provide succour to the workers engaged in wood work or a petty iron contract on one of the floors of a multistoryed building, which may not last one year? It is necessary to cover all the petty contractors engaged by the big company under the Bill. The company should be charged with the responsibility of looking after the welfare of the workers engaged by petty contractors. Besides, the welfare Board proposed to be constituted under the Act should comprise Government servants, representation of building workers' union. As per the provision of the Bill there would be some women on the Board. Among the construction workers, 95 per cent belong to the scheduled castes and scheduled tribes. I would, therefore, request the Government to provide for respresentation of scheduled castes and scheduled tribes on the proposed Board besides women as envisaged in the Bill.

The Bill also provides that the proposed Board would bear the expenditure on account of the salaries of the members, Chairman and employees of the Board. It is estimated that Rs.250 crores would he collected by way of cess and then it would be distributed among various states. A limit will have to be imposed regarding expenditure on the salaries lest the entire amount is

appropriated by the Board Members and the staff and nothing is left for the welfare of the workers. The Bill also provides for in the event of retrenchment but only those employees would be covered who have rendered more than 12 months service. The daily wagers would not be covered under the Bill as they are period a daily wage of Rs.30 to 35 and after one week or after 3 months they are laid off.

There should be some sort of guarantee for the employees. The employer must give them on months notice after three months and they should be given at least one month's salary at the time of retrenchment. The Bill provides for a weekly off but there is need to treat national holidays or other holidays as paid holidays. The labours should also be provided the benefit of life insurance.

I endorse the views expressed by an hon. Member that it is neither chiches nor fishes; it is mutton. I welcome the Bill because it is for the first time that a Bill has been brought for unorganised labour or construction labour. I urge the Government and the members to pass the Bill in the present form and the amendments there to come be moved later on. The Bill would definitely benefit the workers who at present live on the pavements.

SHRIMATI JAYAWANTI NAVINCHANDRA MEHTA (Bombay South) : The Building and Construction workers (Regualtion of Employment and Conditions of Service) Bill, 1996 was actually introduced by the previous Government in December, 1995 but it could not be passed. Now we propose to discuss and pass the Bill. I feel it is never too late to undertake a good measure and by passing the Bill we can do a good turn to the unorganized workers. Besides, it will be a good gift to our workers on the occasion of the 50th Independence Day. The construction workers comprise both men and women and the children as well as the aged are also engaged in this work. But no attention was even paid to the working conditions of women workers, who work the whole day while their infauls just lie under the shade of a tree in an cradle. The women labourers are mortly widows or deserted by their husbands. There is no arrangement of crech for their children. Even toilet and drinking water facilities are not available.

In foreign countries, pregnant women workers are given forty days leave with salary after the delivery to enable them to take care of the child. But in India, pregnant women workers are left to fend for themselves and no provision is made for their diet or health. I would suggest that the welfare Board must ensure medical facilities and proper diet for the pregnant women workers besides forty days leave with salary after delivery to look after the baby. I would also like to point out that housing and construction work has assumed the shape of a hig industry with investment to the tune of crores of rupees both in the public and the private sectors. But the workers have not benefited from this boom in the building and construction industry. In Mumbai, Maharashtra Government. have set up a Board to undertake repair of old and dilapidated houses. The Government also provides loans for the purpose. The contracter undertaking the work gets the money and not the poor labourers. In Mumbai and Delhi, workers come in serch of work from other states as well as rural area. Many a time, the workers are iniured or killed while engaged in the repair of these dilapidated houses. But the contractor in connviance with the police bushes up the case and even the next-of kin of the workers are not informed about their death. and when their relatives went Delhi or Mumbai, they find that their near and dear men are no more and even adequate compensation is also not paid to him. The law in the present form does not provide for payment of adquate compensation to the workers. It is a serious problem.

The workers in this unganised sector have never tried to organise themselves or to raise their voice in support of their demands. They toil day and night in hot summer months and in torrented rains worried only about the square meals for the day and not about their future. Now that we have introduced a Bill after fifty years of independence to look after their interest, we most open boarding school for their children so that they become good citizens after getting the benefit of a good education.

The facilities of insurance, provident fund and pension after the age of 60 years should also be provided in the Bill. The Construction companies can meet this commitment easily and it will not be beyond their means or resources. That is why I feel that we most make provision for their secure future also.

The modern houses furnished in the latest godgets and amenities are very confortable. But we forget that besides steel and cement, the sweat of the workers has also contributed to the construction of these buildings. This is the way of life in our country. In a jewellers' shop there are expensive pieces of jewellary but in that piece the gold carries more value then the labour put in by the goldsmith. Similarly, a sugar mill owner earns huge profit, but the farmers and the workers do not get any benefit of that profit. The prices of cloth are souring day by day but the wages being paid to the workers are stagnant. Even their jobs are not secure.

If we are serious about raising the lot of the workers, then the environment must also exhibit the ill to implement the provisions of the Bill. It must be ensured that the funds earmarked for the welfare of the workers are not inappropriated by others. A sad comment was made by the former Prime Minister, Shri Rajiv Gandhi that only 15 per cent of the funds provided for the welfare of the poor percolate to them, the rest-85 per cent is misappropriated by middlemen. If we really want to ameliorate the lot of the workers, we must that the funds earmarked for them are not misappropriated by the middlemen. If the Bill is passed without devising a machinery to check the misuse of the funds, then it will only render lip service to the cause of the poor workers.

The employer should also maintain record of the workers who lost there lives while working on the project so that compensation is paid to the next of kin and in case they are not living with the deceased, efforts should be made to trace them. In case the Central Government passed this Bill, the State Governments can also adopt it to benefit the workers.

The Bill in the present form needs to be amended suitably. In the absence of these amendments, it will not be possible to ensure that the money earmarked for the workers reaches them. The Government must give assurance to this effecting before passing the Bill.

With these words I conclude my speech.

[English]

DR. B.N. REDDY : The Bill for Building and other Construction Workers (Regulation of Employment and Conditions of Service) Bill, 1996 is really something which is very important and I really support the Bill. It would really help the construction workers whether they are in the field of construction of buildings or projects, or in the fields of any other construction work, where they are neglected. Neither there are any regulations in regard to the number of their working hours nor in regard to their accommodation. Their living conditions, sanitary conditions, condition with regard to water, electricity, everything is so bad. So, I feel that this Bill is definitely going to provide better conditions of work for the millions and millions of construction workers in the country.

The cess to be collected for the Welfare Fund, which has been limited to one per cent, can perhaps be looked into and revised so as to improve their conditions in comparison to other workers in other fields. We really have to think in terms of one per cent which would be collected from the employers. I think that may not be sufficient. But I would still say that an attempt is being made to see that same would be utilized for the welfare of the workers.

One important aspect which has to be mentioned is that there are several construction workers who are below 18 years of age. We see ten or twelve years girls and boys working in this industry. There is no control; there is no regulation.

Their education, their welfare and their development is not taken care of. We have been seeing the conditions in which they are put during the construction of buildings and other projects. They do not have proper accommodation and there are no proper living conditions. So, I would say that this Bill would definitely bring some improvement in the living and working conditions of the construction workers.

As I learn from some hon. Members, there have been some welfare measures taken in several States, especially in Kerala. But I would say that some beginning has been made, though it has already been delayed for such a long time. Once some effort is made, later on some more developments and amendments can be made in that.

Sir, I would request the House to definitely and seriously consider and pass this Bill so that we would be definitely doing some justice, some help to improve the conditions of these building and other construction workers.

Hence, I support the Bill.

[Translation]

SHRI GEORGE FERNANDES (Nalanda) : Mr. Chairman, Sir, this Bill poses several inconvenient questions. This very Bill was earlier introduced by Shri Venkat Swamy who was the labour minister in the erst while Government and whose party is supporting the present Government. Yesterday, Shri Venkat Swamy made a very moving speech in which he recounted his experience of 40-50 years in the labour movement. This was all comprehensible. But it defied imagination when he said that the Bill needs further improvement and before passing the Bill, the Minister must take others into confidence to amend the Bill suitably. It appears that the Bill which he had introduced under his own signature was not drafted an per his conception. Yesterday, there was unanimity on One point that the bill in the present form was not suitable. Even Shri Ram Vilas Paswan was of the opinion that there was need to improve the Bill. The party, of which he is a leader, had in its manifesto branded the Bill as anti labour. I had read the manifesto in the House yesterday. The party had declared in its manifesto that some of the provision of the Bill were anti labour and the Bill should be introduced only after amending these provisions yesterday, in spite of prodding by me, he did not react. Even the hon. Speaker, who was once the labour minister held the same opinion. All the former labour ministers want improvement in the Bill. Members belonging to C.P.I. and C.P.M. demanded suitable amendments in the Bill. They have given notice of amendments in the Bill. Actually, the Bill in the present form should not have been introduced. Yesterday, when I was protesting against the Bill, all these Members backled me and asked me to sit down. There is unanimity on one point that the Bill should be amended before passing. But what baffles me which is mysterious power is preventing the introduction of an appropriate Bill in the House?

It is with a sense of anguish that I am expressing my feelings. It appears there is a mysterious power outside the House whsee stranglehold is so strong that it is preventing all of us to do what is right and what we desire. All the Members of the House, whatever their party affiliation, Jail to comprehend or explain this phenomenon I would like to draw the attention of the House to another aspect of the pessage of the Bill. In

1988 this Bill was referred to the Committee on Petitions in Rajya Sabha. At that time a petition was submitted on behalf of National Compaign Committee for Central legislation on construction labour under the chairman ship of Justice Krishna Iyer. This petition was discussed for two years and during this discussion evidence of Secretary. Labour Department. Government officials, labour leaders was recorded. The Committee finally submitted its report in 1989 and I would like to quote from the recommendtions made by the committee so that the House may make some introspection in the light of those recommendations. I shall read only a few sentences.

[English]

> "This Committee, the National Compaign Committee for Central Legislation on construction Labour, has also formulated a draft legislation, which, if enacted, should serve the interest of the construction workers. The draft legislation prepared by the committee proposed a compulsory registration of all employers and workers, vesting of responsibility for determining and disbursement of wages through an autonomous body and the constitution of tripartite labour boards comprising of employers, construction workers and Government agencies for looking into and regulating the service conditions of the construction workers.
>
> It also lays extra emphasis on the implementation aspect as the actual implementation of all social legislations in the country leaves much to be desired."

[Translation]

This is the unanimous opinion of the Committee of Petitions. The Committee further states:

[English]

> "Without going into the merits of the schemes proposed by the Campaign Committee desired that the Ministry of Labour should take a careful note of the suggestions made by the Campaign Comittee and see to what extent these could be incorported in the Bill already introduced in the Rajya Sabha."

[Translation]

The Petitions Committee has made clear cut recommendation that the suggestions made by the Campaign Committee may be incorporated in the draft Bill, as introduced in the Rajya Sabha.

[English]

> "Further, even after the passage of the Bill and at the time of framing detailed rules for implementation of the provisions of the Bill, the Campaign Committee may be involved in the process of consultation so that the objectives underlying the measures could be implemented in letter and spirit."

The last recommendation of the Committee is :

> "From the Statement of Objects of the Bill introduced in Lok Sabha, the Committee find that the present Bill will apply only to establishments which employ or have employed 50 or more building workers in any building or other construction work."

[Translation]

In 1988 the Bill is referred to the Petitions Committee which learn the views and evidence of all the Government officers and others. The Committee comes to the conclusion that the Bill will apply only to these establishment which employ more than 50 workers.

[English]

> "Thus, all estblishments employing less than 50 workers will presumably be beyond the purview of the present Bill. Thus the workers employed by private persons and institutions for construction work will not be entitled to any benefit arising from this legislation if the total work force employees is less than 50. As against this, the scheme formulated by the Campaign Committee seeks to cover all construction workers wherever they may be employed. The scope of the legislation formulated by the Campaign Committee would thus appear to be more comprehensive and wide ranging. It is in this context that the Committee i.e. the Petitions Committee desire that the legislation proposed by the Campaign Committee may be examined and considered and all good features thereof may be suitably incorporated in the Government Bill."

[Translation]

In the end, the Committee makes a recommendation which the Government is morally bount to accept.

[English]

> "The Committee, therefore, recommend that the Bill pending in the Rajya Sabha be withdrawn and a fresh comprehensive Bill be introduced so as to cater to the long-felt demands of a hitherto neglected segment of the working-class."

[Translation]

The committee makes two recommendations. First, the suggestion made by the Compaign Committee

should be incorporated in the Bill and the limit of 50 workers imposed in the Bill should be removed. It further remmends that the Bill pending in the Rajya Sabha be withdrawn and a fresh comprehensive Bill. should be introduced. In case anybody ignores the recommendations of the Petitions Committee. he is guilty of the contempt of the House. In this context. the observation made at page 730. 1991 edition of the Kaul and Shakdher's book on Parliamentary procedure and practice is relevant and I quote it here.

[English]

> "In the case of petition on matters of general public interest. the Committee reports to the House giving the facts as stated by the petitioner. the comments of the Ministry concerned obtained thereon and their conclusions or recommendations. The recommendations of the Committee may be that the petitioner's suggestion *in toto* ought to be implemented or that the petitioner's suggestion in the form modified by or acceptable to the Committee ought to be implemented."

[Translation]

Sir, instead of bringing a fresh comprehensive Bill. the Government introduced the old Bill. which was introduced seven years ago and since then four labour ministers have been appointed. I want to know has the prestige of this House been reduced to this level that the recommendation made by one of its own committees is but acceptable to the House ? In such a situation how can we uphold the dignity of the House itself? How can we expect the world to respect us when we ourselves who scant regard to our dignity? We should not have treated this Bill so lightly. We will have to identify that mysterious power either individually or jointly which has a stranglehold on this House and the parties which constitute the House. This mysterious power can be the builders Lobby which has the backing of money to the tune of billion of rupees or some other lobby which is oilstructing justice to the ordinary construction worker. So long as we do not identify that power. any discussion here will not be fruitful.

Several suggestions have been officed here during the course of discussion—first, refer the Bill to a select committee. to amend the Bill and lastly to pass it in the present form and then amend it later on. In case the hon. Minister wants the Bill to be passed, he must clarify the portion regarding the quantum of the proposed cess. Several members have asked me as to whether division will place. In view of certain points, I am afraid, we will have to resort to a division or oppose it and later on we will have to have a division. Everyone is talking of one rupees whereas in the Bill, the question is.

[English]

Not-exceeding one percent.

[Translation]

What is the guarantee that the invisible hand which is preventing improvement in the Bill. will not interfere again? In case I know the dispensation of this country correctly.

[English]

It can be half percent. it can be quarter percent.

[Translation]

If I know the system of the country I would say.

[English]

Not exceeding one percent. it can be half percent.

[Translation]

Once it is a fact accompli any amount of protests would fall on deaf ears. Before passing the Bill. you must take a firm decision on the quantum of cess. whether it would be

[English]

It will be quarter percent. You make no mistake of it Not exceding one percent or not less than two percent.

[Translation]

Whatever be the opinion of others. we will not accept anything less than two percent. One of the hon. Members of the House today morning discussed this Bill with me and he was of the opinion that one percent cess would lead to escalation in the cost of construction. This petty sum which is to be used for the medical treatment of workers is compensation in the want of their death is a irksome to people.

[English]

Not exceeding one percent.

[Translation]

Mr. Chairman, Sir. people are prepared to tip the waiters with one rupee after paying a bill of Rs. 100 perhaps the waiter will not accept this petty tip. Justice Chagla of Bombay High Court had commented in a case regarding payment of bonus that our industrialist who could not pay a bonus of 8.11 percent must wind up his mill and go home. We are demanding only 2 Percent.

SHRI RAMESH CHENNITHALA (Kottayam) : Have you given notice of your amendment?

SHRI GEORGE FERNANDES : I have not given any notice.

[English]

Clause 6 of the Bill says and I quote

> "Notwithstanding anything contained in this Act. if the Central Government is satisfied that it is necessary or expedient so to do in the public interest. it may. by notification in

the Official Gazette and subject to such conditions, if any, as may be specified therein, exempt any employer or class of employers from the payment of the cess payable under this Act....."

Mr. Minister, you underline the words "Public interest."

[Translation]

. It means you have appropriated the power to exempt any employer or class of employers from the payment of cess and this power would ultimately be exercised by inspectors or officer

[English]

Notwithstanding anything contained in this Act, this Act can be made redundant. It is as simple as that.

[Translation]

Who else can have more public interest in the country than building workers. Today, we, belonging to different parties are discussing the issue.

[Enlglish]

In whose interest is it? Which is the public in whose interest you want to deprive the building workers even of that less than one per cent cess that you may finally decide to impose if the law is passed as it is?

17.03 hrs.

(Mr. Deputy Speaker *in the Chair*)

[Translation]

SHRI G. VENKAT SWAMY (Peddapally) : 99 percent of the construction workers live below the poverty line. Instead of dwelling on the controversy of one percent, who does not Shri George Fernandes suggest to the Government to contribute two percent towards the cess?

SHRI GEORGE FERNANDES : I accept it. You were not present when I made a reference about you. Even you could not do it in spite of your pious wishes. There is an invisible power which is preventing you from implementing your own wishes.

SHRI G. VENKAT SWAMY : The hon. Minister is about to reply. Please listen to me.

SHRI GEORGE FERNANDES : Why should I blame Arunachalam? How can I find fault with others when CPI and CPI (M) have also succombed?

The Bill shows the wide gap between what they profess and what the practice. It has been introduced as an ordinance and at the tune of its introduction it was stated that

[English]

As Parliament was not in session and in view of urgency felt by the Government for meeting the long-standing demand for the aforesaid legislation...

[Translation]

It is written in the statement of objects and reasons and you have signed it.

[English]

In view of the urgency felt by the Government for meeting the long-felt demand for the aforesaid legislation...*(Interruptions)*

[Translation]

SHRI G. VENKAT SWAMY : It is more than 20 years old.

[English]

SHRI GEORGE FERNANDES : It has been going on for 20 years and no urgency was felt.

[Translation]

It was introduced in the Rajya Sabha in 1988 and was referred to a committee. The committee deliberated thereon and made recommendation. After seven years, it has again surfaced in this House.

[English]

Urgency felt by the Government for meeting the long felt demand for the aforesaid legislation.

[Translation]

It puts a question mark on the intention of the Government. The reason is that in the Statement of Objects and Reasons, the plight of the workers has been highlighted. But how is it that this plight did not come to Government's notice the past 25-30 years.

[English]

Building and other construction workers are one of the most numerous and vulnerable segments of unorganised labour in India. The building and other construction workers are characterised by the inherent risk to their lives and limbs. The work is also characterised by its casual nature, temporary relationship between the employer and the employee, uncertain work hours, lack of basis amenities and inadequacy of welfare facilities.

[Translation]

SHRI G. VENKAT SWAMY : What is wrong in it?

SHRI GEORGE FERNANDES : It only shows the wide gap between profession and practice. If they were so much concerned, why was the Bill gathering dust in the almirahs? These may be just crocodile tears. Our worst fears are that Government may not implement it in the right spirit.

I want to ask some tangible question from the hon. Minister in relation to 1-2 clauses.

[English]

Please refer to the last two lines of Section 2(1) (d) of the Act which defines 'building and other construction work.' It says :

> "... but does not include any building or other construction work to which the provisions of the Factories Act, 1948, or the Mines Act, 1952, apply;"

Why do you want to exclude them?

[Translation]

Mining is being privatised. Even if they are nationalised what defference will make? As an employer Government is not a benevolent employer.

[English]

Why do you want to exclude building and other construction works to which provisions of the Factories Act apply.

[Translation]

Whom are you trying to shield? If the Act is not amended properly, we will oppose it. We will not support you.

[English]

Here we are not seeking powers. Even in the basic laws, you are excluding all those construction workers who are engaged in construction workers who are engaged in construction doing works to which the provisions of the Factories Act or the Mines Act or the Mines Act apply. Please remove this. Further, Section 2(1) (j) gives the definition of 'establishment'. It states.

> "Establishment" means any establishment belonging to .. but does not include an individual who employs such workers in any building or construction work in relation to his own residence".

[Translation]

My objection is that palatial houses are being built in Patna and Delhi which engage a large contingent of construction workers. These houses may cost as much as 5-6 crores. I cannot say anything about a farm house have it seen out. But in Delhi several houses in posh colonies cost as much as One crores. But in his assessment or return this cost will not be reflected.

[English]

MR. DEPUTY-SPEAKER : Try to conclude.

SHRI GEORGE FERNANDES : I am concluding, Sir.

[Translation]

These houses are built with unaccounted money and the poor must get their rightful due because they have earned it with the sweat of their brow. I would request the hon. Minister to get the proviso deleted from the Act, because it will be misused to exempt half of the employers from the operation of this Act. Some of the employers would seek exemption or the basis of factories and Mines Act. Besides, the limit of 50 workers should also be removed. No loopholes should be left. I know the factory owners of Chhatisgarh. We had to struggle hard against our colleague Shankar Niyogi and several labourers were killed. There are big businessmen trading in liquor Bones regarding the eradication of poverty are pasted but nothing is done to stop exploitation of labourers. I know how they exploit the labour.

[English]

Every employee is treated as a contractor. He has an individual contract of employment. What will prevent these...* from doing that? What will prevent any contractor ... from doing that?

[Translation]

No loophole should, therefore, be left. Before employing any worker, he would be asked to sign a bond that he is working on contact basis and I am not an employee.

SHRI RAMESH CHENNITHALA : Is it not unparliamentary?

[English]

SHRI GEORGE FERNANDES : *Is a word of affection and regard. I always call you a good..* Have not I called you a ...* many times, Ramesh?

[Translation]

Mr. Deputy Speaker, Sir, this Bill needs to be amended in a suitable manner and the limit of 50 workers should be withdrawn. This Bill may not be passed in the present form. A meeting may be held today evening or tomorrow morning in your chamber to discuss the modification which need to be carried out in Bill. If the hon. Minister did not relent, it will became a controversial measure and would not achieve the desired results.

Mr. Deputy Speaker, Sir, I would just conclude now

[English]

Section 16 of the Act says :

> "A building worker who has been registered as a beneficiary under this act shall, until he attains the age of 16 years..."

* Expunged as ordered by the Chair

Now mark these words, Mr. Minister.

> "...contribute to the fund at such rate per mensem, as may be specified by the State Government by notification in the official gazette and different rates of contribution may be specified for different classes of building workers."

[Translation]

Why should the worker contribute? That man has no benefit of any kind. He sleeps on the pavement. This Budget and your economic policy may have received accolades from the people on the other side, but I am sure in the coming ten years you will not be able to provide them houses. The employee will also be required to contribute one percent towards the cess which is not fair. Cess must come from the employer. If in the coming 10-20 years, the workers become so affluent that they are in a position to maintain Maruti cars, you may ask them to contribute. I have suggested 3-4 amendments to Bill. If the hon. Minister does not accept those amendment, we will oppose the Bill Now let the Minister decide whether he wants our support.

[English]

SHRI BASU DEB ACHARIA : Sir, many suggestions have come from various Members. So, let there be a discussion. The passing of the Bill may be deferred. The Minister may call a meeting of all the political parties and have a discussion. Some of the good suggestions may be incorporated in the Bill and it could be passed unanimously.

[Translation]

SHRI G. VENKAT SWAMY : Mr. Deputy Speaker, Sir, Sir, yesterday in my speech I had recapitulated the position when I had introduced the Bill 7 years ago. I had called a meeting of the officials and pointed out to them several shortcomings in the Bill and I told them to draft a better Bill. At that time the officials suggested that already ? Years have been spent in bringing the Bill and if the same exercise of circulating to all the ministries is repeated, the Bill may again be delayed by 20 years. They suggested that let the Bill be discussed and let the amendments be made officially. I would like to suggest to the Labour Minister to convene a meeting of the experts, labour leaders, and Members belonging to all the parties of the House and discuss the issue with them. This Bill may be modified in the light of the suggestion made in the meeting and then passed.

[English]

SHRI P. UPENDRA : Sir, I also support this contention. A number of suggestions have been made by many hon. Members. So, the Minister should call a meeting and invite, at least, those Members who have given amendments for discussion. Sir, if he wants, he could invite other leaders also...*(Interruptions)*

[Translation]

SHRI KALP NATH RAI (Ghosi) : I also support this suggestion...*(Interruptions)*

PROF. RASA SINGH RAWAT (Ajmer) : We also support it and demand that comprehensive Bill be brought, after carrying out modifications in the Bill...*(Interruptions)*

SHRI PRABHU DAYAL KATHERIA (Ferozabad) : The hon. Minister must consider the amendments moved by the members. This Bill should be passed after modifying it suitably....*(Interruptions)*

[English]

THE MINISTER OF LABOUR (SHRI M. ARUNACHALAM) : Sir, this Bill has to be passed before the end of this month as it has to be passed by the other House also...*(Interruptions)*

SHRI P. UPENDRA : Sir, this Ordinance will lapse on 2nd August, 1996. That is why it has to be passed before 2nd August.

SHRI GEORGE FERNANDES : We can meet tonight or we can meet tomorrow. The hon. Minister can call a meeting tomorrow morning.

SHRI M. ARUNACHALAM : We can discuss tomorrow.

SHRI G. VENKAT SWAMY : The hon Minister has agreed to the suggestion...*(Interruptions)*

[Translation]

Sir, it should be passed only after it has been discussed threadbare.

[English]

SHRI BASU DEB ACHARIA : Let it be postponed

SHRI GEORGE FERNANDES : The hon. Minister can come forward with agreed amendments after meeting the Members.

SHRI RAMESH CHENNITHALA : Let the discussion be over.

SHRI GEORGE FERNANDES : Yes, let the discussion be over.

MR. DEPUTY-SPEAKER : Mr. Minister, what is your reaction?

SHRI M. ARUNACHALAM : My view is, let us make a beginning in this direction, in the unorganised sector. I have an open mind to discuss with the hon. Members. I can come to the House tomorrow evening; we can discuss and pass it.

MR. DEPUTY-SPEAKER : Should we continue with the discussion?

SHRI M. ARUNACHALAM : Sir, we can take it up tomorrow evening and then pass it.

[Translation]

SHRI GEORGE FERNANDES : Mr. Deputy Speaker, Sir, let the discussion conclude and thereafter, the Minister's reply and the amendments can be taken up together.

[English]

MR. DEPUTY-SPEAKER : All right.

SHRI M. ARUNACHALAM : Sir, you have to specify the names of those hon. Members who have to be called to attend the meeting. Will it be only those Members who have given the amendments or any other Members?

MR. DEPUTY-SPEAKER : You can call only those Members who have given their names.

[Translation]

SHRI MADHUKAR SARPOTDAR (Mumbai North West) : Mr. Deputy Speaker, Sir, I thank the labour Minister for introducing the Building and other Construction Workers (Regulation of Employment and Condition of Services) Bill, 1996. The earlier Ordinance was promulgated in 1988 and now it has been introduced in 1996 and if the Bill is not passed before 2nd August, the ordinance would lapse. The Bill is intended to ameliorate the lot of such labourers

[English]

Those who are the down trodden below the poverty line and most neglected in this country.

[Translation]

Nobody paid any attention towards their plight during the past 50 years. A plethora of laws were passed during the passed 50 years but not a single enactment was about them. Nobody showed any concern about their wages or whether they have any shelter over their head. The society never showed any responsibility to the lot of the workers who toil day and night facing all sorts of hazards to build huge mansiacs in the cities.

In Mumbai high rise buildings known as sky scrapers are being built. Labour from Andhra Pradesh in particular are working in these buildings. The erect their huts or jhoumpri on land which is waterlesgged All these workers are assisted by their wives, children sisters and parents in this work. They inhale dust and cement while working on the site. But no medical facilities are provided to them in case they fall sick. After the project is completed, the builder takes up some other contract and engages new labour for that project to avoid any liability while this labour is left to fend for itself in their hutments.

A vast number of Jhompries have spring up in Mumbai. We had decided to build pucca houses for these people who are residing in jhompries. In Mumbai, the builders have amassed huge wealth and they are so rich that they can purchase the entire country. But we are not getting their cooperation in helping the poor labour.

I want to know from hon. Minister, who will ensure that the provision of the Act are implemented? Will the Central Government give guarantee that the machinery provided in the Bill would implement the provision of the Act in the right earnest? As regards the definition of worker, as given in the Bill, Shri George Fernandes has dwelt at length on the subject. In the Bill, besides construction worker

[English]

Those who are involved in that work, they have been incorporated into the definition of this particular mazdoor.

[Translation]

Supervisors and Technical officers have also been clubbed with the construction worker. I want to know why others have been clubbed with the construction worker, separate legislation could have been enacted for them.

In the let paragraph in which mention of machinery has been made I have marked this portion. Here, about appointment it has been stated

[English]

But does not include any building or other construction work to which the provision of the Factories Act, 1948 on the Mines Act, 1952 applies"

[Translation]

I want to know whether factory workers work in the construction of the building of the factory? In case civil works labour is engaged in the construction of the factory.

[English]

Why do you want to exempt these workers? Why do you want to exclude them from the provision of this Act? That is my straight question to the hon. Minister concerned.

[Translation]

I want to know from the hon. Minister that if the construction workers are engaged in the construction of the factory building, why have they been excluded from the purview of the Act.

In the clause relating the machinery provided for implementation, it is stated

[English]

> "On receipt of an appeal under sub-Section (1), the appellate officer shall, after giving the appellant an opportunity of being heard, confirm, modify or reverse the order of revocation as expeditiously as possible."

[Translation]

No timeframe has been provided - 6 months, one year or 6 years or they can be let off any time. In Maharashtra, there is an Act - M.R.T.U. and PULP Act or Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971. It provides -

[English]

> "As far as possible, recognition should be granted within six month period."

[Translation]

Sometimes it take as much as 6 years and recognition is not granted.

[English]

In the meanwhile, the union gets changed itself.

[Translation]

but the case is still pending. Therefore, the clause should be specific with a directive that is the event of such and such appeal -

[English]

So and so and within such and such period, that should be decided, not as far as possible. It is a very dangerous one as far as the poor workmen are concerned.

Then, please refer to Clause 9(1) which says :

> "Any person aggrieved by an order made under section 8 may, within thirty days from the date on which the order is communicated to him, prefer an appeal to the appellate officer who shall be a person nominated in this behalf by the appropriate Government."

[Translation]

Another machinery has been provided in the Bill, which would add to the delay. In the present structure in the country, delay is inherent. The worker is finding of difficult to get justice because he has either to approach the Court or the conciliation machinery. It is not in favour of the labour. None of the provisions is in his interest.

[English]

This has been copied out from the different enactments of this country.

[Translation]

It is not for labourers. There is no provision for them.

[English]

Are we supposed to do the copying work in this country? Or, are we not going to introduce or incorporate something new into the Act? Is it necessary that we should blindly follow what has been provided in the other Acts in respect of the labourers?

[Translation]

We have failed to enact a fresh legislation to provide relief to the Construction workers even after 50 years

[English]

We must apply our mind correctly and then say that we have been doing justice to the poor people.

[Translation]

In this Bill, Justice has not been done to the poor. You have just copied the old provisions and incorporated in this Bill. An regards the provision for appeal -

[English]

Please refer to Clause 12(5) which says :

> "Any person aggrieved by the decision under sub-section (4) may, within thirty days from the date of such decision, prefer an appeal to the Secretary of the Board or any other officer specified by the Board in this behalf and the decision of the Secretary or such other officer on such appeal shall be final..."

[Translation]

All further appeals have been barred and

[English]

Whatever he says, that is the final word. He should accept it and proceed further.

[Translation]

He should either accept the verdict with humility or he should not take recouurse to this method. This is a defective machinery and I would request Arunachalamji to pay his attention to this aspect.

[Englishj]

Just see Clause 16(2) which says :

> "A beneficiary may authorise his employer to deduct his contribution from his monthly wages and to remit the same, within fifteen days from such deduction, to the Board."

[Translation]

I want to know what provision has been made in case of failure of the employer to remit the amount deducted by him? The ESI contribution is directly deducted from the wages of the workers, but if the employer fails to deposit the same in the ESI, the Government takes no action. The doctor also stop attending to them because the employers have not deposited the requisite amount in the ESI. You will have

to make provision in the Bill to ensure that the employer remits the amount deducted by him and in case he fails to do so, what action will be taken by the Board?

[English]

What is the alternative arrangement that the Board is going to make? What is the mandatory for this? These things have to be explained.

[Translation]

It is your responsibility to ensure it before the Bill is passed.

[English]

When a beneficiary has not paid his contribution under sub-section (1) of section 16 for a continuous period of not less than one year, he shall cease to be a beneficiary..."

[Translation]

In the case of the worker, it has been provided that if the beneficiary has not paid his countribution.

[English]

He will not be a beneficiary.

[Translation]

No clarification has been made by you that in case the employers fails to remit the amount, what action will be taken by the Board.

Mr Deputy, Speaker, provision has been in the Budget made in respect of vacancies.

[English]

There is a provision for the Budget also. The Board will formulates the Budget. As per the provision of the Budget, all other benefits shall be distributed to the beneficiaries.

[Translation]

I feel the Bill is a good enactment but it should be brought before the House after careful and threadbare discussion and deliberation.

[English]

It has been copied down from somewhere else. That should not happen.

[Translation]

Rules under the Bill have not been fraved and have been left to the discretion of the State Governments. Provision regarding overtime has been made in the Bill, but I want to know who would ensure the enforcement of the provision? In the establishments under the purview of the Industrial Disputes Act, in case of the payment of overtime, lumpsum payment at the rate of 1 to 1½ percent is made and sometimes the workers are forced to work without the payment of overtime.

[English]

What should be the practical approach in this particular provision? That is my question.

[Translation]

Have you found ways and means to implement the provision re: payment of overtime? Even today workers are forced to work for as many as 12 hours but without payment of overtime. The employers exploit the workers because of the acute problem of employment in the country. If they refused to work without overtime, hundreds of unemployed persons are prepared to take their place. Therefore, some other provision will have to be made to ensure payment of overtime. Appointment of an Inspector or a Chief Inspector will not serve the purpose, because he seek some gratification for himself and look the other way. The increase in the number of laws in only constructing to increased corruption. Therefore, keeping in view the situation in our country, we must take steps to create more conducive working condition for the workers.

Mr. Deputy Speaker, Sir, the hon. Minister had made some ideal provision in the Bill regarding provision of latrines, urinals etc. for the workers. Have you ever visited the countryside or the rural areas in the country? Have you found any urinals or latrines there? How do you expect the contractor to provide these facilities to the construction workers? But who will implement this provision? Do you expect the State Governments to implement the provision?

[English]

Is there any remedy for this?

[Translation]

You have provided in the Bill that temporary accommodation will be provided to the construction workers at the site? I want a categorical reply, as to who would build houses for the construction workers in the present circumstances?

[English]

The temporary accommodation provided under Sub-section (i) shall have separate cooking place, bathing, washing and lavatory facilities.

[Translation]

The wordings of the Bill are, no doubt, attractive but who will implement it? You have incorporated this provision only as a publicity stunt with an eye on the print and electronic media where it will be announced with all fanfare that Shri Arunachalam or the United Front Government has passed a legislation to provide innumerable facilities to the construction workers.

[English]

Why do you want to incorporate this provision into this Act.

[Translation]

Your only objective is to use it as publicity material for your Government.

[English]

Why do you want to incorporate this provision? If you are going to implement it you are always welcome to do so But if you cannot do it. what is the use of keeping this provision into this Act?

[Translation]

As regards drinking water. in the residential colonies people hardly get it for one hour. How will the contractor arrange for water for the construction workers? You have. no doubt made a Provision. But what are the hard realities? You must go and see it for yourselves. Only one pitcher in kept as a drinking water source and the water is not fit for human consumption. How do you expect the builders. who are exploiting them till date to provide all these facilities to the workers? Perhaps by making this provision in the Act, the worker would face greator harassment. I would, therefore. suggest that hard realities must be taken into account while framing the provisions.

There is another clause providing for demolition. Head this practice of demolition been followed in Mumbai. the jhuggis and jhompries would not have proliferated to such an extent. The population of Mumbai is 1.25 crores and atleast 60 percent of the population comprises Jhuggi Jhompri dwellers. Had this practice of demolition been followed, after completion of the building by the builder. the jhompris would have been demalished But the fact is that the workers sell their Jhompris

[English]

All these things continue and the Government has to take the liability Builders use then and throw them away This is the tendency of builders. You are making a legal provision for the employees working with such builders which is not going to be implemented My question to you is. in such case what are you going to do.

[Translation]

Provision for first aid has also been made in the Bill. It has been done under the Employees Guarante Scheme. But an on the spot inspection will enlight you about the realities. You visit any construction site. you will find both first aid and creche facilities were existent. There is provision in the law but it is not being implemented. The implementing mechinery indulges in corruption. Who is responsible for this?

[English]

Is it not the responsibility of the Government to take such steps and see that whatever provisions have been made in the Act are actually implemented?

[Translation]

I want to know who would implement it? The other big joke is the provision regarding canteen. Who is going to provide them facility of centeen?

[English]

Have you seen the practical aspect of this entire Bill? Who has drafted this Bill? My suggestion to the person concerned is that he should go all over the country and find out for himself where such provisions have been made. even where three thousand people are employed by a builder.

[Translation]

As per the provision made in the Bill. any builder employing more than 200 workers will have to provide the facility of Canteen. The reality is that even in establishments employing more than 2000 workers. this facility is not available. In case it is not there.

[English]

by incorporating this provision into the Act, how are you going to provide it? I will not blame you Mr. Arunachalam.

[Translation]

The Bill was drafted by the bureaucrats and presented to you as a *fait accompli.*

[English]

Who will see the practical aspect of this Bill? Who is going into the greater details of this Bill and who will be the implementing machinery? Who is responsible if the provisions of the Act are not implemented?

What is the provision? How are you going to see that the provisions of the Act are implemented?

[Translation]

The Bill has provided for the appointment of a safety officer for safety and other purposes. If a worker falls from a height and dies, there is nobody to look after him. In our country, human vacalus are totally missing because of the mad race in pursuit of accumulation of wealth. We have seen the plight of accident victims with our own eyes. What to speak of accident, the workers find it difficult to get proper treatment with their meagre resourches, if they fall sick.

The responsibility for framing the rules has been left to the State Governments and you know very well that they will never do it.

[English]

They know there are a number of lacunae in this Bill.

I would not blame you. It is not your desire. The issues must have been in your mind. The Bill has come to you have been told that this must be passed within a given time because already the Ordinance was promulgated three times.

[Translation]

The relivance is valid upto 2nd August. In case the Bill is not passed by that date, they will have to approach the President of India for permission to promulgate a fresh Ordinance which may not a very happy situation. The Minister of Parliamentary Affairs has offered dinner if we are prepared to sit late to pass it: We will of course get food but perhaps the poor will be deprived of it.

[English]

Whatever we do is for the welfare of the poor people. We are passing this Bill for the benefit of those people, who are the down-trodden and who are below the poverty line. We must be very careful. Shri Arunachalam. It should be done by incorporating the necessary amendments to the Act and making it fool-proof. All the poor people should get the benefits, not the MPs. If we do not get any credit, it is all right. We would tolerate that. We are working for the poor people and we should see that whatever provisions are incorporated in the Act are beneficial to all the contract labourers working on construction.

[Translation]

As suggested by Shri George Fernandes,

[English]

apply your mind again. Give some thought to this particular Bill. If needed, we would sit together and we could try to consult with each other. We could try to find out some more remedies also. We could try to accommodate each other and suggest amendments. Whatever you might accept, we have to see to it that everything that we do is for the benefit of the concerned working people.

[Translation]

We are providing for that class of workers which is the most neglected class. The other contribution of

[English]

one per cent is not sufficient, as Shri Venkat Swamy has said.

[Translation]

In case Government pays for the cess, it s a welcome step but it will tant amount to dipping into public funds. In case the employer pays for it, it will be drop in huge profit the builders make. The building and construction business is the most flourishing business.

[English]

They are not benefited. The buildings are going up towards the sky and the labourers working on these buildings are suffering.

[Translation]

It is not only the construction workers, but other categories of workers also eg. plumbers, carpenter, etc who are affected

Besides several skilled engineers.

[English]

they are also coming into this sector only because it is profitable. People who are coming for the sake of acquiring experience are totally exploited.

[Translation]

The builders construct several buildings but the construction workers are without any shelter. The construction workers should be paid more than their wages by deducting a small fraction of the builders margin of profit.

There is also the provision of payment of bonus to the workers. I just want to know from the people who drafted the Bill, whether they are aware of a single instance where bonus was paid to the workers in this line?

[English]

Workers of the organised sector are getting bonus. A provision for minimum bonus has been made to the extent of 8.33 percent. It is assured for them.

[Translation]

You have ofcourse made provision of bonus for construction workers, but the main point is, will they actually get bonus? But as it is not possible, only those provisions should be incorporated in the Bill which can be implemented and for doing a good turns, we must pass a good Bill.

[English]

Arunachalamji, you being the Minister of Labour the credit should go to you. For that purpose, open mind, open heart, open discussion and open views are very much necessary. I hope your colleagues, including the Prime Minister will come forward and see that necessary amendments are incorporated and then only this Bill can be brought before this House for passing.

SHRI RAMESH CHENNITHALA: At the outset, I would like to congratulate the hon. Minister for introducing this Bill which will benefit lakhs and lakhs

of poor workers in our country. Actually, this Bill was introduced by the former Minister of Labour. Shri G. Venkat Swamy but the Bill could not be passed.

For the last 22 years this Bill is being discussed in various fora. In the Labour Ministers' Conference also, I think, it was agreed to formulate such a Bill to help the poor and the downtrodden people of our society. These workers are a vulnerable section of our society. Definitely these people need more attention. We should take more care of them. Their welfare measures should be implemented were effectively. This Bill was introduced by our Minister with these views in mind.

Now, there are shortage of skilled workers in our country. It is very interesting. You cannot find any skilled artisan; you cannot find any skilled carpenter. They are all going abroad. They are getting more wages and they are getting more facilities abroad, especially in the Gulf countries. They are in greater demand in working in foreign countries. Now, there is a dearth of skilled workers in our country. It is a fact. We are not in a position to give them a decent life.

Moreover, the relationship between the employer and the employees is not permanent. The relationship is of a casual and temporary nature. It is because of this temporary nature, the employer is not taking care of the employees who are engaged by him. The hours of work is also uncertain. Since it is a temporary nature, the employer is not normally provide any welfare measures to these workers. There is no specific time allotment for the workers. They are not provided with basic amenities. The workers in the unorganised sector are facing all these difficulties.

To rectify all these hardships, the Ordinance has been promulgated by the President. I agree with the learned hon. Members that more thought should have been given to this Bill. Lot of locunas are in this bill of course, this is a comprehensive legislation. So, we should think about more and more welfare measures for the poor people of our society. I think, tomorrow's discussion will definitely throw more light on this and when the clause-by-clause consideration of this Bill takes place, we can contribute more in this respect.

This is the first attempt to know what are the conditions of the poor sections of the society are, in what condition they are working and what the welfare measures needed for the society are which we are contemplating. This is the latest achievement and for that, I would like to congratulate the hon. Minister.

I want to emphasise on certain specific points. Clause 4 of the Bill says that it will apply to any establishment which employs 50 or more workers. This provision may enable the employer to show that he employs less than 50 workers. For that matter, any employer can say that he is only employing less than 50 employers so that he can avoid this provision of this Bill.

There is another problem regarding registration. The Bill says that registration is not at all compulsory. So, any employer can compel the employee not to go in for registration. In fact, the provisions should be for a compulsory registration. Without compulsory registration, this cannot be enforced, since the employer can always compel the employee or coerce them not to go in for registration and so, he can evade this provision. If compulsory registration is there, no employer can show less number of workers working in the establishment. So, if there is no compulsory registration, there is every possibility of an employer getting out of this Bill. Hence, necessary amendments should be made in this regard. Otherwise, the workers would not get the benefits which are mentioned in this Bill.

Secondly, another clause deals with the eligibility of workers to get the benefits of this Bill. It says that the workers should have completed 90 days during the preceding 12 months. I do not know whether the Minister had given a thought to this provision. He should clarify whether a person should have continuously worked for 90 days or whether it is enough, if one completed the 90 days prescribed in this Bill in total only. This is not clear from this Bill.

So, these uncertainties should be cleared. He should make it clear as to whether it is enough if a worker is engaged for 45 days at a stretch and another 45 days in another stretch. He should make it clear as to whether this type of counting of the 90 day-period is right. This point is not at all clear and I would urge upon the hon. Minister to make these things clear so that there is no ambiguity about this.

Another point is about the registration fee. Certain artisans can afford to pay the fee prescribed. But those people who are working in the rural areas are in a very bad condition and they cannot afford to pay the registration fee of Rs. 50. The fee is too much for the daily wage earners. So, my suggestion to the hon. Minister is that it should be reduced to Rs. 10 so that the workers can afford to pay.

Clause 17 deals with the effect of non-payment of contribution. It says that if a worker is willing to pay the arrears, he is eligible for the benefit.

MR. DEPUTY-SPEAKER : Please conclude.

SHRI RAMESH CHENNITHALA : I would make only two or three points more.

My point about arrears is that the arrears should be collected in a few easy instalments. If it is made up in easy instalments, one can afford to pay. If one is forced to pay in lumpsum, he will not be in a position to pay that. So, ultimately what happens is that he would be out of the scheme.

18.00 hrs.

It is always better to give easy instalments so that the worker can pay. He can remit the money and can

also enjoy the provisions of the Act. The efforts should be to give benefit to the workers and not to put burden on them. The Bill is for helping and giving benefit to the poor people. If there are easy instalments, the workers can give and their burden can be minimised.

The other point I wanted to mention is about clause 7 of the Bill. It deals with safety and health measures. It is a very important matter. Almost all our learned friends, who participated in the general discussion on the Bill, mentioned about the health hazards and the conditions in which the workers are working in different areas.

MR. DEPUTY-SPEAKER : Should I thank you?

(Interruptions)

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF TOURISM (SHRI SRIKANTA JENA): Sir, it was agreed that the Members could participate in the discussion on this Bill today. The hon. Minister will reply tomorrow and then it will be put to vote. Therefore, I suggest that we can extend the time by one hour ...*(Interruptions)* It was agreed by your leaders that we will finish the debate today and the hon. Minister will reply tomorrow.

.We do not have time for the Railway Budget. It should have been taken up today. Now we are shifting it to tomorrow. There will be no time for the Railway Budget. Another Bill is also there. Therefore, we can sit for one hour more. ...*(Interruptions)*

It was discussed in the hon. Speaker's chamber. All the leaders agreed to it. So, we can sit for one hour and finish this debate today.

[Translation]

MR. DEPUTY SPEAKER : Sometime back we had reached a conseusus that some leaders will sit together.

[English]

SHRI SRIKANTA JENA : That also has been agreed to. The hon. Minister and other leaders are meeting tomorrow at 10 o'clock. But whatever points the hon. Members want to say, let them say. We can sit for another one hour...*(Interruptions)*

The leaders are meeting tomorrow at 10 o'clock. After that meeting, the Minister will come with whatever amendments are agreed upon there. But we can finish the debate today. The suggestions can come from the hon. Members today.

MR. DEPUTY SPEAKER : We may sit for one hour more.

[Translation]

SHRI SATYA DEO SINGH (Bahrampur) : Just now Jena ji had said that a meeting would be held with the leaders and the Bill would be amended in the light of the suggestions made here. May be some Members are not able to give their suggestion. Will the House be deprived of the opportunity to discuss the amended Bill?

SHRI SRIKANTA JENA : No, this is not the portion ...*(Interruptions)*

[English]

Let us not go by hypothecation...*(Interruptions)*

SRHI SATYA DEO SINGH : Will there be a meeting in the chamber of the Deputy-Speaker and they will go through all the debate?...*(Interruptions)*

[Translation]

SHRI KASHI RAM RANA (Surat) : Mr. Jena, the hon. Members would like to give some more suggestions.

SHRI SRIKANTA JENA : That is why I had suggested that the time of the House be extended by one hour so that the suggestion of other Members can also be taken into accord.

SHRI KASHI RAM RANA : It may not be possible to accommodate all the member is one hour.

SHRI SRIKANTA JENA : The time can be extended by two hours.

SHRI KASHI RAM RANA : The Bill is of a nature or which members would like to offer their suggestion.

SHRI SRIKANTA JENA : Let them offer their suggestions and the sitting can be extended by one hour.

SHRI KASHI RAM RANA : The Bill is very important and is likely to make immense impact.

MR. DEPUTY SPEAKER : We will review the position after one hour.

SHRI GIRDHARI LAL BHARGAVA (Jaipur) : I have moved a Resolution to disapprove the Ordinance. I want to speach on my Resolution. When will I get the chance to speak, to-day or tomorrow.

SHRI SRIKANTA JENA : You will speak tomorrow.

SHRI GIRDHARI LAL BHARGAVA : What is the urgency?

SHRI SRIKANTA JENA : It is your Resolution and you have the right to speak.

SHRI GIRDHARI LAL BHARGAVA : It is of course my right. After the hon. Minister conceded all the amendments and speaks thereon, will I gets a chance to speak? It is my submission that the debate is not likely to be over by 7.00 P.M. and now it is 6.05 PM. We need not hurry through this important measure.

SHRI SRIKANTA JENA : That is why I am suggesting to extend the sitting by one hour and I do not have any objection if it is extended further by one hour.

SHRI GIRDHARI LAL BHARGAVA : It is no use extending the sitting of the House even upto 9 P.M.

SHRI SRIKANTA JENA : We will review the position after one hour.

SHRI GIRDHARI LAL BHARGAVA : My submission is that when the Bill is to be passed tomorrow, why not discuss it tomorrow itself. You are not taking up the items as per the Bulletin circulated by you. According to the Bulletin, the discussion on the Railway Budget was scheduled for 23, 24 and 25th but to-day discussion on the Railways Budget was not taken up. This extension of the sitting by one hour will not serve the purpose. I have the right to speak and I will certainly speach tomorrow...*(Interruptions)*

SHRI SRIKANTA JENA : If you give your suggestions bariefly, it will be possible to conclude the discussion in an hour...*(Interruptions)*

SHRI GIRDHARI LAL BHARGAVA : It means the discussion will conclude by 7 P.M....*(Interruptions)* And if it remains inconclusive, it will be taken up tomorrow. We are jain and we take our food before sunset ...Besides, to-day is Tuesday and I am on fast. Your insistence an continuing the decision is anti-Jain religion.

[English]

SHRI SRIKANTA JENA : Sir, we can proceed ...*(Interruptions)*

[Translation]

SHRI GIRDHARI LAL BHARGAVA : I have already brought it to your notice that it is past 6 P.M.

[English]

SHRI HANNAN MOLLAH : Sir, there is no use of going on talking without any solution.

[Translation]

SHRI RAM KRIPAL YADAV (Patna) : All the Members may be asked to adhere to the time limit fixed for them and all the Members who went to offer their suggestion should be accomodated.

MR. DEPUTY SPEAKER : There can be one way out. The hon. Members may just give their suggestions only.

(Interruptions)

SHRI SATYA DEO SINGH : Jenaji, your stance has changed after joining the other side; otherwise you used to beat others in leaving the House. The hon. Member from Patna wants us to restruct ourselves to points. It is an important Bill relating to very large section of society. It is being meted out a callous treatment. In this manner it will not be possible for you to give justice to the people for whom the Bill is meant. This restriction of time will not serve my purpose.

[English]

MR. RAMESH CHENNITHALA : Sir, allow me to put my views before the House. Clause 8 deals with ...*(Interruptions)*

[Translation]

MR. DEPUTY SPEAKER : There is unanimity on one point that the time of the sitting be extended upto 7 P.M. We will review the position thereafter.

(Interruptions)

SHRI GIRDHARI LAL BHARGAVA : What about the people like us who believe in Jain religion ...*(Interruptions)*

[English]

MR. DEPUTY SPEAKER : Please listen to me

(Interruptions)

MR. DEPUTY SPEAKER : Now the House stands adjourned to meet again on July 24, 1996 at 11.00 AM.

18.09 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, July 24, 1996/Sravana 2, 1918 (Saka)